



February 9, 2012

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington DC 20554

**Re: Notice of Ex Parte Communication; MM Docket No. 99-25**

Dear Ms. Dortch:

On February 8, 2012, Jane Mago and the undersigned of the National Association of Broadcasters (NAB), met with Erin A. McGrath, Acting Legal Advisor, Media for Commissioner Robert McDowell, to discuss issues regarding the above-captioned proceeding.

Specifically, we asked Ms. McGrath for a status update of two items in this proceeding that are currently on circulation at the Commission. We also discussed the Commission's implementation of the Local Community Radio Act of 2010 (LCRA), including the proposed market-based approach to increasing the availability of channels for low power FM (LPFM) services, and the impact of that approach on FM translator applications still pending from the 2003 FM Translator auction window. We emphasized that all provisions of Section 5 of the LCRA must be read together and cannot be read to create a preference for any particular secondary service. We also noted that the LCRA does not support a preference for LPFM licensing in particular areas within a market based on population density or the viability of speculative LPFM services, at the expense of long-pending applications for FM translators.

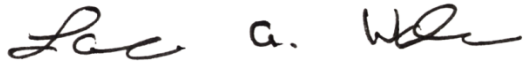
Finally, we discussed Section 3 of the LCRA, which prohibits the Commission from reducing the minimum co-channel second-adjacent channel distance separation requirements between low power FM stations and full-service FM stations, but permits waivers under certain circumstances. NAB expressed our view that such waivers should be considered only in truly exceptional circumstances, given the legislative history of the LCRA, and other provisions in the Act.

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Marlene H. Dortch, Esq.  
February 9, 2011  
Page 2

Please direct any questions concerning this matter to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lawrence A. Walke". The signature is fluid and cursive, with the first name "Lawrence" written in a stylized script, followed by "A." and then "Walke".

Lawrence A. Walke

cc: Erin McGrath